

# Name & Gender Change Guide

FOR WEST VIRGINIA RESIDENTS



# Name & Gender Change Guide For West Virginia Residents

## INTRODUCTION

This guide provides an outline for West Virginia residents who wish to change their name and/or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in West Virginia. For most clients, we recommend pursuing these steps in the order listed. We understand, however, that some clients may have unique needs and/or goals which require a different approach to pursuing name/gender changes on their identity documents.

## ADDITIONAL ASSISTANCE

We know this can be a daunting process and guidance can be helpful through the name and gender change steps. If you are low income, you may be able to get free legal representation for your name or gender change petition. Call Legal Aid of West Virginia at 866-255-4370 for more information, or apply for assistance online at <http://www.lawv.net/Get-Help/Apply-for-Help/Apply-Online>. If you are looking to hire a lawyer who has experience navigating the name and gender change process, contact the Law Office of James Barber at (304)342-4616.

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APPENDIX A: COUNTY SPECIFIC COURT INFORMATION  
county notes regarding name change procedures

APPENDIX B: SCHEDULE OF FEES & RELATED EXPENSES

APPENDIX C: NAME & GENDER CHANGE TEMPLATE FILING FORMS

## ACKNOWLEDGEMENTS

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## STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN WEST VIRGINIA

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- STEP 1** File the Petition for Change of Name with your county circuit courthouse\*
- Name change forms and fees varies by county
  - Obtain hearing date from judge's secretary
  - Obtain and fill out fee waiver form if applicable
- STEP 2** Submit notice of name change for publication in local journal
- Obtain Order of Publication from court clerk
  - Some counties will process publication for you
  - Some counties designate a particular paper for publication
  - You will have to pay for the publication
- STEP 3** Return to the court on the date of your scheduled hearing and obtain Final Order
- STEP 4** Go to Social Security Administration to change name and gender
- Bring original copy of court order for name change
  - Bring letter signed by physician for gender marker change
  - Request new SSA card
- STEP 5** Go to DMV to get new ID/License with correct name and gender
- Bring original copy of court order for name change
  - Bring proof of name change with Social Security
  - Bring gender designation form signed by physician
  - Bring proof of identity such as birth certificate or passport
  - Request new card and pay related fee
- STEP 6** Change your information with private institutions
- Banks, retirement accounts, and other financial institutions
  - Creditors such as credit card companies and loan servicers
  - Employers or currently attended school
  - Insurance carriers
- STEP 7** Apply to change your Birth Certificate with correct name and gender

\*Some applicants may choose to file a petition for a name and gender change at the same time. A petition for gender change must include sufficient medical information to satisfy the judge that you have undergone gender transition. Court orders for gender change are necessary to update birth certificates in some states, but are not necessary to update the gender on your WV driver's license or state ID.

## OBTAINING COURT ORDERS FOR CHANGE OF NAME AND GENDER

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### OBTAINING A COURT ORDER FOR CHANGE OF NAME IN WV

Under West Virginia law, you have the right to change your name so long as you are not doing so for fraudulent purposes (e.g., to evade creditors/child support orders or to escape criminal charges) or in a way that interferes with the rights of others. Specifically, West Virginia forbids name changes if:

- The purpose of the name change is avoidance of debt or creditors
- The purpose of the name change is avoidance of state or federal law regarding identity
- The petitioner is a registered sex offender
- The purpose of the name change is for an “improper or illegal purpose”
- The petitioner is a convicted felon in any jurisdiction
- The purpose of the name change is to evade detection or arrest by any law-enforcement agency

The first step in the process is to petition the circuit court in your county for a name change. The county will have a form, available at the courthouse, for you to fill out. There is no standard statewide form, so specific items and format on the form may vary if you use one provided by the county court. Despite local form availability in some counties, the court should accept a general petition that includes the basic necessary information (see **Appendix C** for a standardized petition you can use for name change, or visit the Legal Aid of West Virginia website to find a blank name change petition at <http://www.lawv.net/Portals/0/Name%20Change-%20Petition%20Form.pdf>). There is generally no documentation requirement at the time of filing, but you may be asked to provide a valid ID at the time of submission. Most counties will require you to file the document in person at the courthouse.

### REQUIREMENTS TO OBTAIN COURT ORDER FOR CHANGE OF NAME IN WV

**Residency.** You must either:

- Be a resident of the county in which you are filing, and have been consistently living there for at least one year prior to filing; OR
- Be a non-resident that was born in the county, married in the county, AND previously a resident of the county for at least 15 years

**Criminal Record.** Judges may not grant name change petitions to a person who is currently incarcerated for a felony, currently required to register with the state police (such as the sex offender registry), or is within ten years of parole or release from prison for first-degree murder or kidnapping.

**Identification/Documentation.** There is generally no documentation requirement for a name change petition. However, you will likely have to present valid photo ID at the time of submission of the form with the courthouse.

### STEPS TO OBTAIN COURT ORDER FOR NAME CHANGE:

**File Petition.** You will need to file a petition with the circuit court of your county (see **Appendix A** for contact information of each court).<sup>1</sup> The judge’s secretary will schedule a hearing date where you will

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<sup>1</sup> Alternatively, view your county circuit court for additional information here: <http://www.courtswv.gov/public-resources/court-information-by-county.html>

return to the courthouse and a judge will determine your petition. Procedures and timing for when you can schedule your hearing vary between counties. By default, these hearings are open, but if you have a reason to fear for your safety and request the clerk make the hearing closed, they will generally do so. Some counties will require you to list your parents as the defendants to such a petition, and notices will be mailed to them.

With the petition you will be required to pay a filing fee, as well as any additional fees the circuit court may require for the filing form packet or notifications to required parties. See Appendix A for a list of county filing fees. If your income is low such that you are unable to pay this fee, you can apply for a waiver. This will require you to fill out an additional form and to provide financial records (e.g., most recent tax return, current pay stubs, and/or proof of current receipt of food stamps) that indicate an inability to pay. The specific thresholds for fee waivers vary by county and size of household, and are subject to change. Fee waivers are appealable if initially denied. Contact your circuit court clerk for more specific information.<sup>2</sup>

**Submit Notice for Publication.** West Virginia law requires that name and gender change requests be published in a publication acceptable to the court (usually the local paper) within ten days of your hearing date. Check with the court clerk to determine how long your notice must be published; general guidance on publication and filing requirements is available in **Appendix A** below. Often the court will have a draft notice or form available at the courthouse you can fill out, and in most counties you will be required to publish it yourself (the court clerk can assist with the procedure and best publication to use). If you do not use a template notice, your requested notice must include your current name, the name change requested, and the date of your hearing. If you have valid reason to fear for your safety and have been granted a closed hearing, then you do not need to include the new name in your publication. In addition, the publication must contain a provision that the hearing may be rescheduled without further notice or publication.

The court will generally provide you with a list of publications acceptable to the court and the relevant contact information. You will also be required to pay for publishing the notice. Costs vary depending on the length of time published, word count, and spacing, but you should generally expect to pay anywhere between \$30-\$100.

**Attend Your Hearing.** Return to the court on your hearing date. You may briefly be asked to reconfirm that you are not changing your name for any improper or illegal purpose, and to describe the reason for your name change. If the judge grants your name change, the court will issue a court order making such change effective.

**Objections.** In West Virginia, any person who could be “injured” by a name change or knows of any reason that the name change should not be granted may appear at the hearing and speak in opposition. Even if you have requested and been given a closed hearing, these individuals may be allowed to present opposition to your name change. Furthermore, some counties require notice to be sent to the petitioner’s parents, and they will have the right to attend too.

**Purchase Certified Copies of Court Order.** You will need at least three certified copies for later documentation changes. The specific fee for each copy will vary depending on the county.

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<sup>2</sup> A template form for the fee waiver can be found here: <http://www.courtswv.gov/legal-community/court-rules/civil-procedure/pdf/Affidavit.pdf>

## OBTAINING A COURT ORDER FOR CHANGE OF GENDER IN WV

A court order recognizing your gender is likely necessary for updating the gender marker on a West Virginia birth certificate, and may be useful for updating your gender on other documents and records. West Virginia law does not specifically state whether and under what circumstances a court may accept a petition for change of gender, but under their general jurisdiction courts likely have the authority. The specific requirements for - and ultimate outcome of – such petitions will likely vary depending on the judge.

Because the court ordered gender change process is not well established in West Virginia, it is recommended that you consult an attorney if you would like to file a petition for change of gender. However, we recognize that legal representation may not be an option for everyone, and are including sample forms in **Appendix C** to assist those who cannot find legal representation. Along with your petition for gender change forms, the judge will likely want to see documented medical information about your transition, which you should submit along with your petition for gender change. The particular medical information or procedures the judge may require unfortunately depends on the judge and their level of education about transgender people.

If your petition for gender change is denied or the court refuses to accept the petition, please consult an attorney if you would like to consider an appeal to ensure that your appeal does not set bad court precedent.

## CHANGING YOUR NAME & GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

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### NAME CHANGE

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA before updating the name on your WV ID. It typically takes 1-2 weeks to receive your updated SSA card with your updated name in the mail.

To apply for a name change with SSA, you will need:<sup>3</sup>

1. Application for a Social Security Card (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An identification document, such as an unexpired driver's license or state- issued identity card, or an unexpired U.S. Passport card (it is okay if your ID document includes your former name); and

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<sup>3</sup> Changing a name on a Social Security Card FAQ, [http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std\\_adp.php?p\\_faqid=315](http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315).

4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.

You should take these documents in person to your nearest Social Security office during normal business hours. You may also mail these materials to your nearest SSA office. You may find your nearest Social Security office here: <http://www.socialsecurity.gov/regions/>.

Following your visit to SSA, you will receive a new Social Security card in the mail with your changed name and the same social security number.

## **GENDER CHANGE**

Although your Social Security card does not show a gender marker, other government agencies may look to your Social Security records to verify your gender.

To apply to change your gender on your Social Security record, you will need all of these items:

1. A completed application for a Social Security Card (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>);
2. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport (it is okay if your ID document includes your former name/gender). If you do not have one of these documents or cannot get a replacement within 10 working days, the SSA may accept other documents that show your name and biographical information, such as a U.S. military identity card, Certificate of Naturalization, employee identity card, certified copy of medical record (clinic, doctor, hospital), health insurance card, Medicaid card, or school identity card/record. If you are not a U.S. citizen, SSA must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph. Note: SSA will not accept a hospital souvenir birth certificate, Social Security card stub, or a Social Security record as evidence of identity; and
3. One of the following items as evidence of your transition:
  - a. Passport: A valid, 10-year U.S. passport with the updated gender marker (NOTE: limited validity two-year passports will not be accepted); or
  - b. Birth Certificate: A certified copy of a state-issued birth certificate reflecting your updated gender marker; or
  - c. Court Order: A court order directing legal recognition of change of gender; or
  - d. Physician Letter: A signed letter on letterhead from your licensed physician stating that you have had appropriate clinical treatment for gender transition following the language below.

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician  
Address  
Telephone Number

You should take these materials in person to your nearest SSA office, which you can find here: <https://secure.ssa.gov/ICON/main.jsp>.

You will receive a new Social Security Card in the mail with the amended name in approximately two weeks and your Social Security account will reflect your gender.

## **CHANGING YOUR NAME & GENDER WITH THE WV DEPARTMENT OF MOTOR VEHICLES (DMV)**

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If you need to change BOTH your NAME and GENDER marker on your driver's license, it is most efficient to change them both at the SAME TIME at the DMV. We understand that certain clients will only need/want to change one or the other, so we have provided separate instructions for each change below. If you are changing both items at the same time, follow the instructions for changing each separately and take all required forms of evidence and documents to the DMV and present them to a Service Center Manager. Please note that all identification credentials will be mailed to your listed address.

Timing Note: The DMV requires you to update your legal name with SSA before you update it with the DMV. The DMV may be able to look up whether you updated your name with SSA in their database without the new card, but that is not guaranteed, so we recommend that you wait for your updated Social Security card to arrive in the mail before going to the DMV.

### **REAL ID ACT REQUIREMENTS**

Due to changes under the REAL ID Act, if you already have a Driver's License or ID from outside WV, the DMV may need to re-inspect your original documents to issue a REAL ID compliant identification card if the issuing state is non-compliant with the REAL ID act. You only need to do this re-inspection one time, so if you have already obtained a REAL ID license or ID card you do not need to bring the extra documents. REAL ID compliant licenses or IDs have a gold star in the upper right hand corner of the front of the card. Information about the REAL ID requirements is available at <https://transportation.wv.gov/DMV/Drivers/Pages/Drivers-Licenses.aspx>

Note: Non-US citizens can obtain a REAL ID identification card as long as they have an unexpired document issued by USCIS or US Department of State showing lawful presence.

## HOW TO CHANGE YOUR NAME AND GENDER WITH THE DMV

To change your name and gender on your driver's license, you will need to visit your local DMV in person. You will need to bring the following documents:

**Proof of Identity.** This can be your current license, valid U.S. passport, or birth certificate.

**Proof of Name Change.** This can be either a certified copy of the name change court order or an amended birth certificate with the new information.

**Proof of Gender Change.** This requires a gender designation form to be completed by your physician, available at <http://www.transportation.wv.gov/DMV/DMVFormSearch/DMV-99-RO-GenderDesignationForm.pdf> or in the appendix

**Current Registration/Title Documents.** If you are updating information for any registration and title documents for vehicles, you will need the original documents for each.

**Fees for Changing Your License.** Updating your license with new name or gender information costs \$7.50, and \$17.50 for a REAL ID version.

## CHANGING YOUR NAME AND/OR GENDER WITH YOUR BANK, SCHOOL, EMPLOYER, INSURANCE AND OTHERS

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Remember to use your court order for name change to update your legal name everywhere that is relevant, including with your employer or school, with your banks, insurance companies, subscriptions, etc. All of these places should be able to update your legal name on your records using the name change order. If you need to update your gender marker on your record with any of these places, you will need to ask them what documentation they need to do so. Often showing a state or federal ID with your updated gender is sufficient.

### INSURANCE CONCERNS

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change, or they may simply need a copy of your updated ID to update your name and gender.

Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Note that under federal law, your insurance company cannot deny coverage of a sex-specific procedure (such as a pap smear or a prostate exam) because of the gender marker on your insurance. However, your doctor may opt to continue to file claims reflecting your sex assigned at birth, so be sure to discuss that before updating your gender marker on your insurance.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to your gender, contact your provider to appeal the denial or contact legal assistance for support.

## **BANKS, CREDITORS, AND FINANCIAL INSTITUTIONS**

You should inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You will most likely be asked to provide a certified copy of the court order. Try to update your name with your bank and your employer at the same time to ensure checks are processed without issue, and you should make these updates after updating your name with SSA.

## **OTHER LEGAL DOCUMENTS**

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. Important legal documents include your deed to your house or car, home or auto lease, wills, powers of attorney, advanced health directive, deeds or similar documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

Some clients also want to change their name and/or gender marker in their education records, such as high school or college transcripts and diplomas. Each school has a different policy and procedure for these updates.

## **CHANGING YOUR NAME & GENDER ON YOUR U.S. PASSPORT**

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If you are a U.S. citizen you can apply for a U.S. passport that reflects your new name and gender. You need a court order for a name change and a letter from your physician certifying your transition.

This change can be made at either an earlier or later stage in the name/gender change process. If you have plans for international travel, you should prioritize this change and may want to consider completing this step earlier in the process. If you do not have a passport and do not intend to travel internationally, you do not need to obtain a passport. However, keep in mind that an updated passport is typically easier to get than an updated birth certificate, and can often be used as proof of citizenship instead of having to show a birth certificate.

### **HOW DO I UPDATE MY PASSPORT?**

The process of updating your passport will vary depending on whether you are:

- renewing your existing passport to show the name change only, **or**
- updating both your name and gender marker, whether on your existing passport or applying for the first time.

The sections below will describe the processes required for each situation.

#### **Updating your legal name only (no gender marker update) on an existing valid passport**

When you already have a valid Passport, you may submit by mail a Passport Renewal Application (DS-82 form) and supporting documents to change your legal name to National Passport Processing Center, PO Box 90155, Philadelphia, PA 19190-0155. You will need to mail in the following:

- Passport Renewal Application (Form DS-82: <https://eforms.state.gov/Forms/ds82.pdf>).
- Your most recent passport.
- A recent color photograph 2x2 inches in size.
- Order for Name Change (certified copy).
- Fees: \$110 for a passport book (and/or \$30 for a passport card) and a \$35 execution fee payable by check or money order to the “U.S. Department of State” (see more at: <https://travel.state.gov/content/travel/en/passports/requirements/fees.html>).

### Updating your gender marker, whether on your existing passport or applying for the first time

In order to update your gender marker (in addition to updating your name or if you are updating gender marker only), your case will be processed as a first-time passport applicant. This means that you need to submit an initial passport application (DS-11 form) in person at a Passport Acceptance Facility. To find the closest facility to you, please search online at <http://iafdb.travel.state.gov> or call the National Passport Information Center at 1-877-487-2778.

You will need to bring with you the following documents:

- a. Application for a U.S. Passport, also known as Form DS-11 (<https://eforms.state.gov/Forms/ds11.PDF>).
- b. Current ID that includes a signature and photograph.
- c. One recent color photograph that is passport (2x2 inches) size.
- d. Certified copy of a court Order for Name Change (if you are also changing the name on your passport).
- e. Proof of U.S. Citizenship, which can be either your current U.S. passport, a certified copy of your Birth Certificate, a Certificate of Naturalization, or a Report of Birth Abroad. **Please note:** do not be alarmed that the Acceptance Facility will keep the original. The original proof of U.S. citizenship is submitted with your application, but will be mailed back to you within 4-6 weeks (depending on their processing times).
- f. A letter from a licensed physician on office letterhead attesting that you have received “appropriate clinical treatment” to transition (known as a Physician Certification). **Please note:** the letter **must follow the exact language of the Certification shown below**. There is no surgical requirement for getting a U.S. passport.
- g. Fees: \$110 for a passport book (and/or \$30 for a passport card) payable by check or money order to the “U.S. Department of State” (see more at: <https://travel.state.gov/content/travel/en/passports/requirements/fees.html>), **and** a \$35 execution fee payable to the Acceptance Facility (some of them, especially U.S. Post Offices will accept the execution fee via credit/debit card as well).

### How long will the process take?

Processing times for all passport services are typically between four and six weeks. If you need a passport in less time, you can pay an additional fee for expedited service; you can find more information at <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/hurry.html>. To check on the status of your application, you can call the National Passport Information Center at 1-877-487-2778 or 1-888-874-7793 (TTY).

### Where can I find more information?

For more detailed information on how to change your name or gender marker on your passport, please see the U.S. Department of State's "Gender Designation Change" page (<https://travel.state.gov/content/passports/en/passports/information/gender.html>) or the National Center for Transgender Equality's "Know Your Rights- Passports" guidance (<http://www.transequality.org/know-your-rights/passports>)

## CHANGING YOUR NAME WITH THE SELECTIVE SERVICE AND VOTING REGISTRATION

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### SELECTIVE SERVICE

#### Individuals Assigned Female at Birth

If you were designated female at birth, you do not have to register with the Selective Service, even if you have undergone gender transition. However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form ([http://www.sss.gov/PDFs/SilForm\\_Instructions.pdf](http://www.sss.gov/PDFs/SilForm_Instructions.pdf)) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If you have already amended the sex on your birth certificate, attach any proof you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to 'out' yourself moving forward. Once you receive your SIL, keep it in your files.<sup>4</sup>

#### Individuals Assigned Male at Birth

If you were assigned male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have transitioned or changed your legal gender marker. People who were assigned male at birth are required to register with the Selective Service within thirty days of their eighteenth birthday, even if you have undergone gender transition. This includes those who may have transitioned before or since then. Registration is necessary to gain access to certain government benefits. The Selective Service uses Social Security and other databases to determine who they believe was assigned male at birth. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a "mail-back" registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction, you may file a claim for exemption from service

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name if you are between the ages of 18 and 26 years old. To notify the Selective

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<sup>4</sup> Information from National Center for Transgender Equality article on Transgender People and the Selective Service, [http://transequality.org/Resources/Selective\\_Service\\_only.pdf](http://transequality.org/Resources/Selective_Service_only.pdf)

Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

## **VOTING REGISTRATION**

In order to update your legal name on your voter registration, you must go online to the West Virginia Secretary of State website here: <https://ovr.sos.wv.gov/Register/Landing>

In order to update your information, please be prepared to provide the following information:

- Your name as it appears on your driver's license or state ID;
- Your date of birth;
- Your driver's license or state ID; and
- The last four digits of your social security number.

Once you complete the online form and submit it, the county clerk will notify you if the application has been accepted or rejected.

If you currently do not have a driver's license or state ID and the last four digits of your social security number, then you **cannot** submit the online form. Instead, you must fill out a voter registration form online, print the form, sign your name, and mail or hand it in to your county clerk.

## **CHANGING YOUR NAME AND/OR GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)**

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If you are a foreign-born individual who intends to apply for legal status with USCIS, who has already applied for legal status with USCIS, or who has already been granted some form of legal status here in the United States, you can update your name and gender on those documents using your court order for name change and a letter from a licensed healthcare professional certifying your gender. See instructions on NCTE's website here: <https://transequality.org/know-your-rights/immigration-documents>.

## **CHANGING YOUR NAME & GENDER ON YOUR BIRTH CERTIFICATE**

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### **BIRTH CERTIFICATES ISSUED IN A STATE OTHER THAN WEST VIRGINIA**

The law in the state that issued your birth certificate (the state where you were born) governs the rules for amending your birth certificate. Some states allow you to amend your birth certificate with relative ease, while others will not amend birth certificates at all. Requirements vary from state to state. You can find information on how to update a birth certificate from the state you were born on NCTE's ID Document Center, [www.transequality.org/documents](http://www.transequality.org/documents). The Office of Vital Records in the state where you were born can also give you more information about what is required to amend your birth certificate to reflect your new name and gender.

## BIRTH CERTIFICATES ISSUED IN WV

West Virginia permits you to change your birth certificate with updated name and gender information. The change will take the form of an amended birth certificate. The long form of your amended birth certificate will list the original name/gender with a strike-through, followed by the correct name and gender typed above. The abstract/short form of the birth certificate will indicate that a change was made but will not show the previous name and gender.

**Documentation Requirements.** To change your name and gender on your birth certificate, you will need the following:

- An affidavit to correct birth certificate, available at [http://www.wvdhhr.org/bph/hsc/vital/forms/Affidavit\\_to\\_correct\\_birth.pdf](http://www.wvdhhr.org/bph/hsc/vital/forms/Affidavit_to_correct_birth.pdf) or in the appendix
- To change your name, the final court order for your name change
- To change your gender, State Registrar practice is generally to require a court order (from West Virginia or another state).<sup>5</sup> See Section II above for a discussion on applying for a court order for gender change.
- \$12 per certified copy of the amended birth certificate you would like to receive.

**Process.** Mail the documents above to the following address:

Vital Registration - Room 165  
350 Capitol Street  
Charleston, WV 25301-3701

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<sup>5</sup> If you are unable to obtain a court order, for example if you live in a state outside of West Virginia that does not issue court orders for gender change or if your county court refuses to issue a court order, the State Registrar may accept a notarized statement from your physician or sex reassignment surgeon noting that definitive treatment/surgery has taken place to effect a sex change. Call the State Registrar to confirm at 304-558-2931.

## APPENDIX A: COUNTY SPECIFIC COURT INFORMATION

### COUNTY COURT CONTACT INFORMATION

WV COUNTY	PHONE NUMBER	EXTENSION	COURT ADDRESS	COURT HOURS
Berkeley County	304-264-1918	ex. 5	380 West South Street; Martinsburg, WV 25401	9 AM - 5 PM
Boone County	304-369-7411		200 State Street, Madison, WV 25130	8 AM - 4:30 PM
Barbour County	304-457-3454		26 N. Main Street, Suite 2, Philippi, WV 26416	8:30 AM - 4:30 PM
Braxton County	304-765-2837		300 Main Street, Sutton, WV 26601	8 AM - 4 PM
Brooke County	304-737-3662		632 Main Street, Wellsburg, WV 26070	9 AM - 5 PM
Cabell County	304-526-8622		750 Fifth Avenue, Huntington, WV 25701	8:30 AM - 4:30 PM
Calhoun County	304-354-6910		363 Main Street, Suite 205, Grantsville, WV 26147-0266	8 AM - 4 PM
Clay County	304-587-4256		246 Main Street, Clay, WV 25043	8 AM - 4 PM
Dodd-ridge County	304-873-2331		118 East Court Street, West Union, WV 26456	8:30 AM - 4 PM
Fayette County	304-574-4249		100 North Court Street, Fayetteville, WV 25840	8 AM - 4 PM
Gilmer County	304-462-7241		10 Howard Street, Glenville, WV 26351	8 AM - 12PM, 1PM - 4 PM
Grant County	304-257-4545		5 Highland Avenue, Petersburg, WV 26847	8:30 AM - 4:30 PM
Greenbrier County	304-647-6626		912 Court Street North, Lewisburg, WV 24901	8 AM - 4:30 PM
Hampshire County	304-822-5022	ex. 3	50 South High Street, Suite 157, Romney, WV 26757	8 AM - 4:30 PM
Hancock County	304-564-3311	ext. 2	102 N. Court Street, New Cumberland, WV 26047	8 AM - 4:30 PM
Hardy County	304-530-0230		204 Washington Street, Moorefield, WV 26836	9 AM - 4 PM
Harrison County	304-624-8640		301 West Main Street, Clarksburg, WV 26301-2967	8:30 AM - 4 PM
Jackson County	304-373-2210		100 Court Street, Ripley, WV 25271	8:30 AM - 4:30 PM
Jefferson County	304-728-3231	ext. 8	119 North George Street, Charles Town, WV 25414	9 AM - 5 PM
Kanawha County	304-357-0440		111 Court Street, Charleston, WV 25301	8 AM - 5 PM
Lewis County	304-269-8210		117 Court Avenue, Weston, WV 26452	8 AM - 4 PM
Lincoln County	304-824-7887	ext. 239	8000 Court Avenue, Hamlin, WV 25523	9 AM - 4:30 PM
Logan County	304-792-8550		300 Stratton Street, Logan, WV 25601	8:30 AM - 4:30 PM
Marion County	304-367-5360		219 Adams Street, Room 211, Fairmont, WV 26554	8:30 AM - 4:30 PM
Marshall County	304-845-2130		600 Seventh Street, Moundsville, WV 26041	8:30 AM - 4:30 PM M-Th 8:30 - 5:30 F
Mason County	304-675-4400		200 Sixth Street, Point Pleasant, WV 25550	8:30 AM - 4:30 PM
McDowell County	304-436-8535		90 Wyoming Street, Suite 201, Welch, WV 24801	9 AM - 5 PM
Mercer County	304-487-8323		1501 Main Street, Princeton, WV 24740	8:30 AM - 4:30 PM
Mineral County	304-788-1562		150 Armstrong Street, Keyser, WV 26726	8:30 AM - 5 PM
Mingo County	304-235-0320		75 East Second Avenue, Williamson, WV 25661	8:30 AM - 4:30 PM
Monongalia County	304-291-7240		75 High Street, Suite 12, Morgantown, WV 26505	9 AM - 5 PM
Monroe County	304-772-3017		216 Main Street, Union, WV 24983	8 AM - 4 PM
Morgan County	304-258-8554	ext. 3	77 Fairfax Street, Berkeley Springs, WV 25411	9 AM - 5 PM
Nicholas County	304-872-7810		700 Main Street, Summersville, WV 26651	8:30 AM - 4:30 PM
Ohio County	304-234-3611		1500 Chapline Street, Wheeling, WV 26003	8:30 AM - 5 PM

WV COUNTY	PHONE NUMBER	EXTENSION	COURT ADDRESS	COURT HOURS
Pendleton County	304-358-7067		100 S Main St, Franklin, WV 26807	8:30 AM - 4:30 PM
Pleasants County	304-684-3513		301 Court Lane, St. Marys, WV 26170	8:30 AM - 4:30 PM
Pocahontas County	304-799-4604		900 Tenth Avenue, Marlinton, WV 24954	8:30 AM - 4:30 PM
Preston County	304-329-0047		101 West Main Street, Room 301, Kingwood, WV 26537	9 AM - 5 PM
Putnam County	304-586-0203		12093 Winfield Road, Winfield, WV 25213	8:30 AM - 4:30 PM
Raleigh County	304-255-9135		222 Main Street, Beckley, WV 25801	8:30 AM - 4:30 PM
Randolph County	304-636-2765		2 Randolph Avenue, Elkins, WV 26241	8 AM - 4:30 PM
Ritchie County	304-643-2164	ext. 229	115 E. Main Street, Harrisville, WV 26362	8 AM - 4 PM
Roane County	304-927-2750		200 Main Street, Spencer, WV 25276	8:30 AM - 4 PM
Summers County	304-466-7103		120 Ballengee Street, Hinton, WV 25951	8:30 AM - 4:30 PM
Taylor County	304-265-3474		214 West Main Street, Grafton, WV 26354	9 AM - 4:30 PM
Tucker County	304-478-2606		211 First Street, Suite 403, Parsons, WV 26287	8 AM - 4 PM
Tyler County	304-758-4811		121 Main Street, Middlebourne, WV 26149	8 AM - 4 PM
Upshur County	304-472-2370		38 West Main Street, Buckhannon, WV 26201	8 AM - 4:30 PM
Wayne County	304-272-6360		700 Hendricks Street, Wayne, WV 25570	8 AM - 4 PM
Webster County	304-847-2421		2 Court Square, Room G-4, Webster Springs, WV 26288	8:30 AM - 4 PM
Wetzel County	304-455-8219		200 Main Street, New Martinsville, WV 26155	9 AM - 4:30 PM
Wirt County	304-275-6597		One Court Street, Elizabeth, WV 26143	8 AM - 4 PM
Wood County	304-424-1700		2 Government Square, Room 131, Parkersburg, WV 26101-5353	8:30 AM - 4:30 PM
Wyoming County	304-732-8000		24 Main Avenue, Pineville, WV 24874	8 AM - 4 PM

### COUNTY NOTES REGARDING NAME CHANGE PROCEDURES

WV County	Packet Available?	Filing Fee	Payment Method	Publication Requirement	Publication Length
Berkeley County	Yes	\$200	Cash, check, money order	Local paper ("The Journal")	2 weeks
Boone County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Barbour County	Yes	\$200	Cash, check, money order	Local paper ("Barbour Democrat")	2 weeks
Braxton County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Brooke County	Yes	\$300	Cash, check, money order	Court handles publication	1 week
Cabell County	Yes	\$200.50	Cash, money order	Any local paper	2 weeks
Calhoun County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Clay County	Yes	\$200	Cash, check (if from local bank), money order	Local Paper ("Clay Free Press")	2 weeks
Dodd-ridge County	Yes	\$200	Cash, check, money order	Any local paper	Once
Fayette County	Yes	\$200	Cash, check, money order	Any local paper ("Fayette Tribune" or "Raleigh Register")	2 weeks
Gilmer County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Grant County	Yes	\$200	Cash, check, money order	Local Paper ("Grant County Press")	1 week

WV County	Packet Available?	Filing Fee	Payment Method	Publication Requirement	Publication Length
Greenbrier County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Hampshire County	No	\$200	Cash, check, money order, credit/debit (note: fee may apply)	Any local paper	2 weeks
Hancock County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Hardy County	Yes	\$200	Cash, money order	Local paper ("Moorefield Examiner")	2 weeks
Harrison County	Yes	\$205	Cash, money order	Any local paper	2 weeks
Jackson County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Jefferson County	Yes	\$206	Cash, money order, Credit/Debit	Local paper ("Spirit of Jefferson")	2 weeks
Kanawha County	Yes	\$200	Cash, money order, Credit/Debit	Local Paper ("the Gazette Mail")	2 weeks
Lewis County	Yes	\$210	Cash, check (if from local bank), money order	Local paper ("the Democrat")	2 weeks
Lincoln County	No	\$200	Cash, check, money order	Local paper ("the Lincoln Journal")	2 weeks
Logan County	No	\$200	Cash, money order	Any local paper	1 week
Marion County	Yes	\$209	Cash, money order	Local Paper ("the Times West Virginia")	1 week
Marshall County	Yes	\$200	Cash, check, money order	Local paper ("the Echo")	30 days
Mason County	No	\$200	Cash, money order	Local paper ("the Register")	1 day
McDowell County	No	\$200	Cash, money order, local check	Any local paper	3 consecutive weeks
Mercer County	No	\$200	Cash, money order	Local paper ("Daily Telegraph")	2 weeks
Mineral County	Yes	\$205	Cash, check, money order	Any local paper	Once
Mingo County	Yes	\$200	Cash, check, money order	Local paper ("Daily News")	2 weeks
Monongalia County	Yes	\$200	Cash, money order	Local paper ("the Dominion Post")	2 weeks
Monroe County	Yes	\$200	Cash, check, credit card, money order	Local paper ("Monroe Watchman")	2 weeks
Morgan County	Yes	\$200	Cash, credit card, money order	Any local paper	1 week
Nicholas County	Yes	\$200	Cash, check, money order	Local paper ("Nicholas Chronicle")	1 week
Ohio County	Yes	\$206	Cash, check, money order	Local paper ("News Register")	1 week
Pendleton County	No	\$200	Cash, check, money order	Local paper ("Pendleton Times")	2 weeks
Pleasants County	Yes	\$202	Cash, check, money order	Local paper ("St. Mary's Oracle")	2 weeks
Pocahontas County	Yes	\$200	Cash, check, money order	Local paper ("Pocahontas Times")	1 week
Preston County	Yes	\$200	Cash, check, money order	Any local paper	1 week
Putnam County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Raleigh County	No	\$200	Cash, credit card, money order	Local paper ("Register Herald")	3 weeks
Randolph County	No	\$200	Cash, check, money order	Local paper ("Inner Mountain")	2 weeks
Ritchie County	Yes	\$202	Cash, check, money order	Any local paper	1 week
Roane County	Yes	\$200	Cash, money order	Any local paper	1 week
Summers County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Taylor County	Yes	\$200	Cash, money order	Any local paper	1 week
Tucker County	Yes	\$200	Cash, check, money order	Local paper ("Parsons Advocate")	1 week
Tyler County	Yes	\$200	Cash, check, money order	Local paper ("Tyler Star News")	1 week
Upshur County	Yes	\$204.50	Cash, credit card, money order	Local paper ("the Record Delta")	1 week

<b>WV County</b>	<b>Packet Available?</b>	<b>Filing Fee</b>	<b>Payment Method</b>	<b>Publication Requirement</b>	<b>Publication Length</b>
Wayne County	Yes	\$303.50	Cash, money order	Local paper ("the Herald Dispatch") and notices sent to sheriff's office, local prosecutor's office, National Crime Center, and State police	30 days
Webster County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Wetzel County	Yes	\$200	Cash, check, money order	Local paper ("Wetzler Chronicle")	1 week
Wirt County	Yes	\$200	Cash, check, money order	Local paper ("Wirt County Journal")	2 weeks
Wood County	Yes	\$200	Cash, money order	Local paper ("News Sentinel")	2 weeks
Wyoming County	Sample form available	\$200	Cash, money order	Local paper ("Wyoming County Times")	Once

## APPENDIX B: SCHEDULE OF FEES & RELATED EXPENSES

Below is a list of projected costs associated with legal name and gender changes in West Virginia.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN WV	PROJECTED COSTS (in dollars)
<b>Obtaining a Court Order for Change of Name</b>	
<ul style="list-style-type: none"> <li>Cost for Petition Packet</li> </ul>	\$0 - \$10
<ul style="list-style-type: none"> <li>Statewide general cost for petition<sup>6</sup></li> </ul>	\$200- \$303.50
<b>Publication as a Class I Legal Advertisement</b>	\$30-100
<b>Certified Copy of Final Order of Name Change</b>	\$12
<b>Changing your Gender with Social Security and/or Obtaining a New Card</b>	\$0
<b>Obtaining New Identification Reflecting Name and/or Gender Change</b>	
Fees are payable to "West Virginia Dept. of Motor Vehicles"	
<ul style="list-style-type: none"> <li>Corrected Driver's License or State ID</li> </ul>	\$7.50
<ul style="list-style-type: none"> <li>REAL ID Driver's License</li> </ul>	\$17.50
<ul style="list-style-type: none"> <li>Registration Card</li> </ul>	\$10
<ul style="list-style-type: none"> <li>Certificate of Title</li> </ul>	\$15
<b>Obtaining a Passport Reflecting Name and/or Gender Change</b>	
The following fees cover (1) the cost of a passport book and/or passport card payable to "Department of State," and (2) the separate "Execution Fee" payable to the local passport agency you go to submit your application. <sup>7</sup>	
If you already have a passport issued <b>more</b> than 1 year ago and only need to update your legal name but not your gender marker, you can apply for an amended passport	\$140 (book & card)

<sup>6</sup> Each county has a Fee Waiver application form for low-income petitioners (specific income cutoffs vary between county and may include other factors such as size of household). You will be required to submit documents to substantiate your income: either tax returns or affidavits that you are receiving food stamps.

<sup>7</sup> U.S. Dept. of State, Bureau of Consular Affairs, Passport Fees, <http://travel.state.gov/content/passports/english/passports/information/fees.html> (last visited Jan. 21, 2015).

by mail for the same cost of a new passport without paying the additional execution fee. However, if you also need to update your gender marker, you must apply for an amended passport in person at a local passport agency and pay the additional execution fee.	\$110 (book only) \$30 (card only) + \$6 – 10 (two passport sized photos) + \$25 execution fee
If you have a passport issued <b>less</b> than 1 year ago and only need to update your legal name but not your gender marker you can apply for the amended passport by mail at no cost. However, if you also need to update your gender marker, you must apply for an amended passport in person at a local passport agency and pay the execution fee.	\$0 (book or card) + \$25 execution fee (applies to gender marker changes only)
Expedited Service <sup>8</sup> Note: This is an additional cost for persons who need to receive their first-time or renewal passport within two weeks or less from the time of application submission. By mail, make a check or money order out to “Department of State.” In person, ask a local passport agency what payment they accept.	\$60

<b>Amending a West Virginia Birth Certificate to Reflect New Name and/or Gender</b>	\$12
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<b>Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information</b>	\$12
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<sup>8</sup> U.S. Dept. of State, Bureau of Consular Affairs, Expedited Passport Processing Fees, <http://travel.state.gov/content/passports/english/passports/services/expedited.html> (last visited Jan. 21, 2015).

## APPENDIX C: MODEL PETITIONS

Below is a reference guide for using the following model petitions for legal name and/or gender changes in West Virginia.

NAME OR GENDER CHANGE PETITIONER CIRCUMSTANCES	SAMPLE PETITION TO USE
<b>IF the applicant is over the age of 18:</b>	
Change of gender only	Form 1
Change of name only	Form 3
Change of name and gender	Form 5
<b>If the applicant is under the age of 18:</b>	
<ul style="list-style-type: none"> <li>• Change of gender only</li> </ul>	Form 2
<ul style="list-style-type: none"> <li>• Change of name only</li> </ul>	Form 4
<ul style="list-style-type: none"> <li>• Change of name and gender</li> </ul>	Form 6

IN THE CIRCUIT COURT OF \_\_\_\_\_, WEST VIRGINIA  
County Name

IN RE: \_\_\_\_\_  
First Name Middle Name  
\_\_\_\_\_  
Last Name Suffix

Case No. \_\_\_\_\_

**PETITION FOR CHANGE OF GENDER**

COMES NOW, \_\_\_\_\_, hereinafter the  
(Petitioner's Full Legal Name)

Petitioner, and after being duly sworn states under oath as follows:

- 1a. [ ] Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b. [ ] Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
2. Petitioner seeks a gender change because: this is my gender and it should be reflected on my  
documentation.

**GENDER CHANGE SUPPORTING DOCUMENTATION**

An affidavit of a medical provider documenting the gender change through clinically appropriate  
treatment is attached to this petition.

**PRAYER**

WHEREFORE, Petitioner prays that the Court grant Petitioner's gender change petition and  
declare the Petitioner's gender as \_\_\_\_\_ for such other and further  
relief as this Court may deem just and proper.

WHEREFORE, Petitioner prays that the Court order that a new birth certificate be issued to  
reflect the gender change sought by this petition.

**VERIFICATION OF PETITION FOR CHANGE OF GENDER**

I, \_\_\_\_\_, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition for Change of Gender are true of my personal knowledge; and if I have set forth matter upon information given to me by others, I believe that information to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Signature  
\*NOTE: Do not sign unless in front of notary public

This Verification was sworn to or affirmed before me on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public / Other Official

My commission expires: \_\_\_\_\_.

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA  
CHANGE OF NAME FROM

\_\_\_\_\_ to \_\_\_\_\_ Civil Action No.

**PETITION FOR CHANGE OF GENDER**

Comes now the Petitioner, \_\_\_\_\_, on behalf of \_\_\_\_\_,  
an infant, and after being duly sworn states under oath as follows:

- 1a.** [ ] Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b.** [ ] Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
- 2.** Petitioner seeks a gender change because: this is the child's gender and it should be reflected  
on their documentation.

**GENDER CHANGE SUPPORTING DOCUMENTATION**

An affidavit of a medical provider documenting the gender change through clinically appropriate  
treatment is attached to this petition.

**PRAYER**

WHEREFORE, Petitioner prays that the Court grant Petitioner's gender change petition and  
declare the child's gender as \_\_\_\_\_ for such other and further relief as this  
Court may deem just and proper.

WHEREFORE, Petitioner prays that the Court order that a new birth certificate be issued to  
reflect the gender change sought by this petition.

**VERIFICATION OF PETITION FOR CHANGE OF NAME AND GENDER**

I, \_\_\_\_\_, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition for Change of Gender are true of my personal knowledge; and if I have set forth matter upon information given to me by others, I believe that information to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Signature  
\*NOTE: Do not sign unless in front of notary public

This Verification was sworn to or affirmed before me on the \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public / Other Official

My commission expires: \_\_\_\_\_.

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA  
CHANGE OF NAME FROM

\_\_\_\_\_ to \_\_\_\_\_ Civil Action No.

PETITION

Comes now the Petitioner, \_\_\_\_\_, and petitions this Court to change  
the Petitioner's name from \_\_\_\_\_ to \_\_\_\_\_.

In support of this Petition, the Petitioner states as follows:

- 1a. [ ] Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b. [ ] Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
2. Petitioner is over the age of 18 (eighteen) years
3. Petitioner is asking the Court for a name change for the following reason(s):  
(list the reasons you want the name change): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. Petitioner would seek the Petitioner's name to be changed to: \_\_\_\_\_  
\_\_\_\_\_.
5. The name change sought is not for purposes of avoiding debt or creditors.
6. Petitioner is not a registered sex offender pursuant to any state or federal law.
7. The name change sought is not for purposes of avoiding any state or federal law  
regarding identity.

8. The name change sought is not for any improper or illegal purpose.
9. The Petitioner is not a convicted felon in any jurisdiction
10. The name change sought is not for any purpose of evading detection, identification or arrest by any local, state, or federal law-enforcement agency.
11. Does Petitioner desire to protect their identity for personal safety reasons?  
  
 Yes  No (check the box that is most appropriate)

WHEREFORE, your Petitioner prays that the Court grant Petitioner's name change petition and declare the Petitioner be known as \_\_\_\_\_  
and for such other and further relief as this Court may deem just and proper.

\_\_\_\_\_  
Petitioner,  
Pro Se

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, TO WIT:

\_\_\_\_\_, the Petitioner named in the attached Petition, being first duly sworn, says that the facts and allegations contained in said Petition are true, except so far as they are stated to be on information, and belief, they believe them to be true.

\_\_\_\_\_  
Petitioner

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA  
CHANGE OF NAME FROM

\_\_\_\_\_ to \_\_\_\_\_ Civil Action No.

PETITION

Comes now the Petitioner, \_\_\_\_\_, on behalf of \_\_\_\_\_,  
an infant, and petitions this Court to change the child's name from \_\_\_\_\_  
to \_\_\_\_\_.

In support of this Petition, the Petitioner states as follows:

- 1a.  Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b.  Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
2. Petitioner is over the age of 18 (eighteen) years
3. Petitioner is asking the Court for a name change for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_
4. Petitioner would seek the child's name to be \_\_\_\_\_
5. The name change sought is not for purposes of avoiding any state or federal law.
6. The name change sought is not for purposes of avoiding any state or federal law  
regarding identity.
7. The name change sought is not for any improper or illegal purpose.

8. The Petitioner is not a convicted felon in any jurisdiction
9. The name change sought is not for any purpose of evading detection, identification or arrest by any local, state, or federal law enforcement agency.

WHEREFORE, your Petitioner prays that the Court declare the minor child henceforth be known as \_\_\_\_\_ and for such other and further relief as this Court may deem just and proper.

\_\_\_\_\_  
Petitioner,  
Pro Se

STATE OF WEST VIRGINIA  
COUNTY OF \_\_\_\_\_, TO WIT:

\_\_\_\_\_, the Petitioner named in the attached Petition, being first duly sworn, says that the facts and allegations contained in said Petition are true, except so far as they are stated to be on information, and belief, they believe them to be true.

\_\_\_\_\_  
Petitioner,

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

IN THE CIRCUIT COURT OF \_\_\_\_\_, WEST VIRGINIA  
County Name

IN RE: \_\_\_\_\_  
First Name Middle Name  
\_\_\_\_\_  
Last Name Suffix

Case No. \_\_\_\_\_

**PETITION FOR CHANGE OF NAME AND GENDER**

COMES NOW, \_\_\_\_\_, hereinafter the  
(Petitioner's Full Legal Name)

Petitioner, and after being duly sworn states under oath as follows:

- 1a.  Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b.  Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
2. Petitioner would like a name change request because Petitioner wishes their name to  
reflect the gender Petitioner identifies with.
3. Petitioner requests that the court decree that Petitioner's legal name is changed to:

\_\_\_\_\_  
Proposed First Name Middle Name Last Name Suffix

4. Petitioner states that this name change is not for the purposes of avoiding debts or  
creditors.
5. Petitioner is not a registered sex offender.
6. Petitioner does not seek the name change to avoid any state or federal identity law.
7. Petitioner does not seek the name change for any illegal reason.
8. Petitioner is not a convicted felon.
9. Petitioner's name change is not sought for any purpose of evading detection,  
identification or arrest by any law enforcement agency.

10. Does Petitioner desire to protect their identity for personal safety reasons?  
 Yes  No (check the box that is most appropriate)

### **GENDER CHANGE SUPPORTING DOCUMENTATION**

An affidavit of a medical provider documenting the gender change through clinically appropriate treatment is attached to this petition.

### **PRAAYER**

WHEREFORE, Petitioner requests a court order that Petitioner's name is changed to \_\_\_\_\_, and Petitioner's gender is changed to \_\_\_\_\_, and for such other and further relief as this Court may deem just and proper.

WHEREFORE, Petitioner requests a court order that a new birth certificate be issued to reflect the gender and name changes sought by this petition.

[REST OF PAGE LEFT INTENTIONALLY BLANK.]

**VERIFICATION OF PETITION FOR CHANGE OF NAME AND GENDER**

I, \_\_\_\_\_, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition for Change of Name and Gender are true of my personal knowledge; and if I have set forth matter upon information given to me by others, I believe that information to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Signature  
\*NOTE: Do not sign unless in front of notary public

This Verification was sworn to or affirmed before me on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public / Other Official

My commission expires: \_\_\_\_\_.

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA  
CHANGE OF NAME FROM

\_\_\_\_\_ to \_\_\_\_\_ Civil Action No.

**PETITION FOR CHANGE OF NAME AND GENDER**

Comes now the Petitioner, \_\_\_\_\_, on behalf of \_\_\_\_\_,  
an infant, and petitions this Court to change the child's name from \_\_\_\_\_  
to \_\_\_\_\_.

In support of this Petition, the Petitioner states as follows:

- 1a.  Petitioner is a resident of \_\_\_\_\_ county, and has been a resident  
(County Of Residence)  
of that county for at least one year.
- 1b.  Petitioner is a nonresident who was born in, married in, or has lived for at least 15  
years in \_\_\_\_\_ county.  
(County Of Birth, Marriage, or 15 Years Residence)
2. Petitioner is over the age of 18 (eighteen) years
3. Petitioner is asking the Court for a name change for the following reason(s):  
this is the child's preferred name and this name aligns with their gender, and this  
name should be reflected on their documentation
4. Petitioner would seek the child's name to be \_\_\_\_\_  
\_\_\_\_\_.
5. The name change sought is not for purposes of avoiding any state or federal law.
6. The name change sought is not for purposes of avoiding any state or federal law  
regarding identity.
7. The name change sought is not for any improper or illegal purpose.

8. The Petitioner is not a convicted felon in any jurisdiction
9. The name change sought is not for any purpose of evading detection, identification or arrest by any local, state, or federal law enforcement agency.
10. Does Petitioner desire to protect the child's identity for personal safety reasons?  
 Yes  No (check the box that is most appropriate)

### **GENDER CHANGE SUPPORTING DOCUMENTATION**

An affidavit of a medical provider documenting the gender change through clinically appropriate treatment is attached to this petition.

### **PRAYER**

WHEREFORE, Petitioner requests a court order that Petitioner's name is changed to \_\_\_\_\_, and Petitioner's gender is changed to \_\_\_\_\_, and for such other and further relief as this Court may deem just and proper.

WHEREFORE, Petitioner requests a court order that a new birth certificate be issued to reflect the gender and name changes sought by this petition.

\_\_\_\_\_  
Petitioner,  
Pro Se

STATE OF WEST VIRGINIA  
COUNTY OF \_\_\_\_\_, TO WIT:

\_\_\_\_\_, the Petitioner named in the attached Petition, being first duly sworn, says that the facts and allegations contained in said Petition are true, except so far as they are stated to be on information, and belief, they believe them to be true.

\_\_\_\_\_  
Petitioner,

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.